

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, JULY 7, 2014**

A Regular Meeting of the Deltona City Commission was held on Monday, July 7, 2014 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 6:33 p.m. by Mayor Masiarczyk.

2. ROLL CALL:

Mayor	John Masiarczyk	Present
Vice Mayor	Heidi Herzberg	Present
Commissioner	Webster Barnaby	Absent
Commissioner	Zenaida Denizac	Present
Commissioner	Chris Nabicht	Present
Commissioner	Nancy Schleicher	Present
City Manager	Dave Denny	Present
City Attorney	Becky Vose	Present
City Clerk	Joyce Raftery	Present

Also present: Assistant Planning and Development Services Director Ron Paradise, Parks and Recreation Director, Steve Moore; Fire Chief Mark Rhame, Deputy Fire Chief Bob Rogers, Economic Development Manager Jerry Mayes; Deputy City Manager Dale Baker; and VCISO Captain Dave Brannon.

3. INVOCATION AND PLEDGE TO THE FLAG:

Invocation Presented by Vice Mayor Herzberg – Nick Pizza.

The National Anthem was sung by Yami and Yani Toro.

4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

1. Approval of Minutes – Regular City Commission Meeting of June 16, 2014.

Motion by Vice Mayor Herzberg, seconded by Commission Schleicher to approve the minutes of the Regular City Commission Meeting of June 16, 2014.

Motion carried unanimously with members voting as follows: Commissioner Denizac, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

B. Additions or Deletions to Agenda:

City Manager Dave Denny asked to pull Item 8-B from the agenda and add it to the July 28th Workshop for a detailed discussion.

City Attorney Becky Vose asked to pull Item 8-C and she will be putting it back on an agenda for a

future meeting.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Proclamation – Parks and Recreation Month – July, 2014.

The Mayor and Commission presented the Proclamation to the Parks & Recreation Director Steve Moore.

B. Proclamation - Penny & Nicole Hession - VLOC Citizen of the Year Award; Nicole Hession - Johana Knox Youth Chrysalis Award.

The Mayor and Commission presented the Proclamation to Penny and Nicole Hession.

6. PUBLIC FORUM – Citizen comments for items not on the agenda.

7. CONSENT AGENDA:

8. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 05-2014, an amendment to rezone ±8.67 acres of land located at 110 Howland Boulevard from the Volusia County zoning designation of Rural Residential (RR) to the City of Deltona zoning designation of Retail Commercial (C-1), at first reading.

Planning and Development Services Assistant Director Ron Paradise stated for the record that the applicant has requested a continuance and if the City Commission had no objections he would like to turn the floor over to the applicant to make that request. Mr. Rodney Honeycutt stated his client has some issues he is working out with the end user and would like to ask for a continuance to the August 4th and 18th meetings.

Motion by Commissioner Schleicher, seconded by Commissioner Denizac to do a continuance of Ordinance No. 05-2014 to the August meetings.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Motion carried unanimously with members voting as follows: Commissioner Denizac, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

B. Ordinance No. 13-2014, Amending the Firefighter's Pension Plan by allowing the Fire Chief the option of Opting Out of Participation, at first reading and to schedule second and final reading for July 21, 2014.

Item was pulled by the City Manager.

C. Ordinance No. 14-2014 - Amending Section 42-186, of Article IV, "Fire Codes", of Chapter 42, "Fire Prevention and Protection", of the Code of the City of Deltona, Adopting More Recent Standard Code Provisions and Providing for New Methods of Appeals of Certain

Decisions, at first reading and to schedule second and final reading for July 21, 2014.

Item was pulled by the City Attorney.

D. Ordinance No. 12-2014, regarding anti-blight, at first reading and to schedule second and final reading for July 21, 2014.

The Commission discussed Page 2 of the ordinance under item number 6 regarding properties that have roof tarps, boarded windows or doors for a period in excess of thirty (30) days and whether that was too short of a time, when there is an insurance claim and litigation people can come to the Commission and ask for a continuance, giving 60 days to make sure the people have time to make changes, the ordinance is meant to deal with blight and not exceptions, and is mainly to address homes that have been tarped up for 5 – 7 years.

Motion by Commissioner Denizac, seconded by Commissioner Nabicht to adopt Ordinance No. 12-2014 at first reading, and to schedule second and final reading for July 21, 2014 with the change from 30 to 60 days.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ADDING A NEW CHAPTER 37, "DELTONA ANTI-BLIGHT ORDINANCE"; PROVIDING AUTHORITY, PURPOSE, INTENT, FINDINGS, AND DEFINITIONS; REQUIRING REGISTRATION OF DISTRESSED PROPERTIES, MAINTENANCE AND SECURITY; REQUIRING FULL UTILITIES FOR OCCUPANCY; DECLARING A PUBLIC NUISANCE; PROVIDING FOR A CIVIL FINE; PROVIDING FOR NO CONTINUING OBLIGATION OR LIABILITY ON CITY; PROVIDING PENALTY FOR OBSTRUCTING AN ENFORCEMENT OFFICER; PROVIDING IMMUNITY FOR ENFORCEMENT OFFICER; PROVIDING FOR ISSUANCE OF BUILDING PERMITS; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.

Motion carried unanimously with members voting as follows: Commissioner Denizac, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

Ordinance No. 12-2014 was approved at 6:57 p.m.

E. Ordinance No. 11-2014, regarding the City's Rental Regulatory License, at first reading and to schedule second and final reading for July 21, 2014.

The Commission and staff discussed whether the rental of a residential dwelling unit is a business that can be regulated by the City, and if it would indicate that anyone who rents property within the City is establishing a business unless it is to a family member, and the Ordinance taking effect upon passage but the City will adopt the fees by a resolution which the City Attorney will have ready at the next meeting.

Vice Mayor Herzberg asked if this would take the place of the rental registration fee that the City has now and how enforceable the Ordinance would be. Mrs. Vose replied "yes" and she will be drafting an ordinance effective October 1st and the last Ordinance was a tax rather than a regulatory

1 ordinance which is more enforceable. She referenced a workshop where the Commission had asked
2 to raise the fees to help fund the enforcement process and there are a lot of requirements to raising a
3 fee on a tax; being a regulatory ordinance it eliminates the need to comply with all the requirements
4 under the statute for increasing the business tax license. She referred to and read Section 36-11
5 which defines cause and in reference to the City doing interior inspections the language is taken
6 from the existing ordinance.

7
8 Mayor Masiarczyk referred to Page 5 under 36-14 Utility Accounts, how would the City determine
9 the owner of the property if the Property Appraiser cannot and Mrs. Vose replied the reason she put
10 that in is there is because Deltona Water has no way of knowing if a deed is valid so Deltona Water
11 sends the deed for her to confirm it is a valid deed to be able to move forward. She stated she checks
12 to see if the deed is recorded but sometimes there is a significant lag time at the Property Appraiser's
13 office. Mayor Masiarczyk asked if it would be inappropriate to add that language "or as determined
14 by the City Attorney with proper documentation on ownership or deed" to make it clear and Mrs.
15 Vose replied "yes".

16
17 Commissioner Denizac stated she has reservations about this ordinance because it provides
18 unnecessary burdens on the good people that just want to rent a house having to get a notarized
19 paper and Mrs. Vose explained Deltona Water has a lot of issues with squatters and that is the reason
20 for this.

21
22 Vice Mayor Herzberg stated she was torn on this because it is another step for those legitimate
23 renters but she understands there is a problem with squatters and she asked Mrs. Vose if this type of
24 regulation would help and Mrs. Vose replied she was not sure this would cure all the squatting
25 problems but it is a step in the right direction. Vice Mayor Herzberg suggested passing this and
26 reevaluate it after a year.

27
28 Commissioner Nabicht stated the City is writing this to give the Code Enforcement Officers,
29 Sheriff's Office and staff the authority to fix the problem and to get people that do not belong in
30 these houses out. He stated he understood the concern about a little more paperwork but the City is
31 dealing with a much bigger problem. He stated he agreed with Vice Mayor Herzberg about some
32 type of tracking when this is implemented to see how successful it has been or where it may need to
33 be tweaked.

34
35 **Motion by Commissioner Nabicht, seconded by Commissioner Schleicher to adopt Ordinance**
36 **No. 11-2014 at first reading, and to schedule second and final reading for July 21, 2014.**

37
38 Mayor Masiarczyk opened the public hearing.

39
40 Smiley Thurston, 608 Saxon Blvd., stated he had a question about the notarized statement on the
41 property commenting realtors would not be able to keep a stack of notarized statements to use each
42 time, what about the out-of-state owners and how it will be burdensome.

43
44 Mayor Masiarczyk closed the public hearing.

45
46 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ADDING A NEW CHAPTER**
47 **36, "DELTONA RENTAL REGULATORY LICENSE ORDINANCE"; PROVIDING**
48 **INTENT, AUTHORITY, FINDINGS OF FACT, AND DEFINITIONS; REQUIRING A**
49 **RENTAL REGULATORY LICENSE AND FEE, PROVIDING FOR AN APPLICATION;**

PROHIBITING CERTAIN OCCUPANCY; PROVIDING FOR INTERIOR RENTAL INSPECTIONS FOR CAUSE, EMERGENCY INSPECTIONS AND REMEDIATION, AND DELINQUENCIES, REVOCATION AND PENALTIES; REQUIRING CERTAIN DOCUMENTS PRIOR TO UTILITY ACTIVATION, AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.

Motion carried unanimously with members voting as follows: Commissioner Denizac, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

Ordinance No. 11-2014 was adopted at 7:16 p.m.

F. Ordinance No. 18-2014, regarding unfit and unsafe structures, at first reading and to schedule second and final reading for July 21, 2014.

Mayor Masiarczyk referred to Page 3, Item 18-104 regarding the timeline of five (5) days suggesting that it be changed to 30 days.

Motion by Commissioner Schleicher, seconded by Vice Mayor Herzberg to adopt Ordinance No. 18-2014 at first reading, and to schedule second and final reading for July 21, 2014 with the change from 5 days to 30 days for the addition of sod and clean-up after demolition.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ADOPTING A NEW ARTICLE IV, "UNFIT AND UNSAFE STRUCTURES", OF CHAPTER 18, "BUILDINGS AND BUILDING REGULATIONS", PROVIDING FOR THE HANDLING OF UNFIT OR UNSAFE STRUCTURES, AND THE PROCEDURES TO DEMOLISH, REMOVE, SECURE, ETC. SUCH STRUCTURES; PROVIDING FOR NOTICES, ASSESSMENT OF COSTS, LIENS, EMERGENCY CONDEMNATIONS, APPEALS AND NON-AD VALOREM ASSESSMENTS; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.

Motion carried unanimously with members voting as follows: Commissioner Denizac, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

Ordinance No. 18-2014 was adopted at 7:19 p.m.

9. OLD BUSINESS: None.

10. NEW BUSINESS:

A. Request for approval for waiver of all fees – SE 14-006-Latin Festival 2014.

The Commission discussed being asked once again to go against the City's policy and procedures and the need to follow the policy of \$2,500 for any event with attendance over 901, that this request should go through the budget this year and if not the Commission would have to go by policy, whether the Commission was going to change the policy to start charging for the City's parks, what

1 the City will pay for, the need for a date for requests to be submitted so they can be budgeted and
2 letting the entities that the City waives fees for know that this is the City's new policy.

3
4 Mayor Masiarczyk asked Mr. Denny if anyone had researched this request and if it was in the budget
5 and Mr. Denny replied it was not in the budget.

6
7 Commissioner Nabicht asked Mr. Moore if a follow-up report had been filed and he replied "yes".
8 The City Clerk was asked to read the report into the record and Commissioner Nabicht asked if the
9 \$3,400 in the report was all the money that was made or the profit after expenses and Mr. Santiago
10 replied that was the net profit.

11
12 Commissioner Denizac stated this is the 19th year for this festival with many residents from Deltona
13 and other areas in attendance, the event fulfilling one of plaques on the wall about diversity, that the
14 event should be part of the budget and she would like to see the City continue with the festival.

15
16 Commissioner Schleicher stated this is a policy problem and she asked Mr. Santiago if the Volusia
17 County Hispanic Association (VCHA) had gone to the Volusia County Council and asked to
18 negotiate the Sheriff's charges with them and Mr. Santiago replied they had in years past and were
19 successful in some years but, recently they have been unsuccessful because of Volusia County's
20 budget concerns.

21
22 Vice Mayor Herzberg asked to clarify that of the \$9,000 requested \$5,130 is for the Sheriff's cost
23 and this amount is the out of pocket cost that comes from the City, everything else is done in-house.

24
25 Mayor Masiarczyk stated he recalled last year the Commission had told these agencies to get with
26 the Parks & Recreation Department and make it a truly co-sponsored event that could be budgeted
27 for so part of the blame falls on the organization for not doing that before now. He stated the
28 maximum amount the Commission can give is \$2,500, a report is due within 30 days after the event,
29 the report that was received was a letter at best and should have been a detailed report. He suggested
30 as an alternative that the City use the \$2,500 cap to offset the costs of the Sheriff's Department and
31 let the VCHA absorb the additional cost, the City can live with the things in-house like the fields,
32 and then the City will not entertain any change if it does not fit the policy in the future.

33
34 Commissioner Nabicht stated he could not support that as the Fire Department is already over
35 budget and the policy is the policy.

36
37 **Motion by Commissioner Nabicht, seconded by Commissioner Schleicher to deny the request.**

38
39 Mayor Masiarczyk opened the public hearing.

40
41 Christine Santiago, 2631 Eustace Avenue, spoke in favor of the event and she asked for one (1) more
42 chance.

43
44 Vickie Wales, 770 Gordon Court, commented she did not believe this was fair when she comes to
45 meetings and sees fines reduced for people who ignore the rules for years. She asked that the City
46 set a rule, let everybody know what to do but not at this time.

47
48 David Santiago, 2631 Eustace Avenue, spoke about the event being a community based cultural
49 event where the City is asked to partner with VCHA and is no different than other City events like

1 Spooktacular and the 4th of July Fireworks which the City absorbs all of the costs. He stated it does
2 generate funds to help about 1,000 kids with free back packs, school supplies, haircuts and vision
3 screenings. He commented he was willing to accept and bring back to the committee the suggestion
4 of applying the \$2,500 of in-kind to the costs for the law enforcement services and push to do more
5 fundraisers to close that gap.

6
7 Vice Mayor Herzberg stated the City has given away money in liens by agreeing to reduce fines for
8 people who can pay them as suggested by the Special Magistrate when they want to sell their
9 property. She stated she cannot support not sponsoring this event but the City has got to start
10 budgeting for these special events no matter who it is. She stated she could support Mayor
11 Masiarczyk's suggestion of the \$2,500 towards the VCSO costs and in the future maybe putting in
12 the VCSO contract a dollar amount for community hours for community policing for special events.

13
14 **Motion carried with members voting as follows:**

15		
16	Commissioner Denizac	Against
17	Commissioner Nabicht	For
18	Commissioner Schleicher	For
19	Vice Mayor Herzberg	Against
20	Mayor Masiarczyk	For
21		

22 Mayor Masiarczyk passed the gavel to Vice Mayor Herzberg.

23
24 **Motion by Mayor Masiarczyk, seconded by Commissioner Denizac to adopt annual All**
25 **Nations Multi-cultural Festival to be put on by the City of Deltona, to budget \$5,000 from the**
26 **General Fund this fiscal to be applied to the costs for the VCHA event this year, and in the**
27 **future the City of Deltona will annually put on an All Nations Multi-cultural Festival in honor**
28 **of Gus and Mary Dowels as funded per the budget process in the future.**

29
30 Commissioner Schleicher asked for clarification on whether the City would be taking over the
31 Hispanic Festival. Mayor Masiarczyk replied "no"; the City would be allowing a \$5,000 donation
32 this year towards the costs and annually the City will have an all nation's festival to be put on by the
33 Parks and Recreation Department to celebrate diversity in the future.

34
35 Vice Mayor Herzberg asked Mayor Masiarczyk if he wanted to change the name of the festival and
36 have the City Sponsor it or co-sponsor it with the VCHA. Mayor Masiarczyk replied he did not
37 have the authority to do away with the VCHA's festival but would put \$5,000 for this year to cover
38 the costs for the police and then annually the City would put on an all nations multi-cultural festival
39 and the VCHA can do their own separate festival but, the City will not fund any more than the policy
40 or until the policy is changed.

41
42 Vice Mayor Herzberg opened the public hearing.

43
44 Phil Giorno, 2135 Brewster Drive, stated he supports a cultural event for all cultures to come together.

45
46 David Santiago, 2631 Eustace Avenue, stated the suggestion is a good one and he volunteered to help
47 with the multi-cultural event next year.

Motion carried with members voting as follows:

Commissioner Denizac	For
Commissioner Nabicht	Against
Commissioner Schleicher	Against
Vice Mayor Herzberg	For
Mayor Masiarczyk	For

Vice Mayor Herzberg returned the gavel to Mayor Masiarczyk.

B. Request for approval of 2014-2015 Law Enforcement Services Agreement.

Mr. Denny stated this item will be discussed in more detail on Thursday but since placing this item on the agenda he has received from Captain Brannon a request to add three (3) additional personnel for FY 2014/2015 and two (2) additional for FY 2015/2016. He stated the addition to the 2014/2015 budget year would increase the budget by \$416,000+ and the addition to the 2015/2016 budget year would increase the budget by \$285,000. He suggested waiting until the budget workshop and to bring the agreement back before the Commission at the July 21, 2014 meeting.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Motion by Commissioner Nabicht, seconded by Commissioner Schleicher to table Item #10-B.

Motion carried unanimously with members voting as follows: Commissioner Denizac, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

C. Appointment of an individual to fill the remainder of the District 5 Commission seat.

Mayor Masiarczyk asked City Clerk Joyce Raftery to come up and swear in the newly appointed Commissioner for District 5, Anthony Bellizio.

Ms. Raftery asked Mr. Bellizio to place his right hand on the Bible and raise his left hand and repeat the Oath of Office after her. Commissioner Bellizio was sworn in, official photos were taken and he took his seat at the dais.

11. CITY ATTORNEY COMMENTS: None.

12. CITY MANAGER COMMENTS: None.

13. CITY COMMISSION COMMENTS:

a) Commissioner Bellizio introduced himself and commented he was honored to serve out the approximately four (4) months of the unexpired District 5 term and will do what is needed for District 5 as well as all the citizens in the City. He felt it is his duty to serve in the public and he will insure that he will be educated on every issue as much as possible.

b) Commissioner Schleicher welcomed Commissioner Bellizio and commented on being out of

town July 23rd – 29th and missing the July 28th workshop and Florida League of Cities Dinner (FLOC), the vote to combine the Volusia Council of Governments (VCOG) and FLOC taking place July 28th and her concern over the costs to the City, the Interim City Manager applications needing to be correct and complete, and her concerns about VCSO dispatch.

c) Commissioner Nabicht requested the City Attorney send out the contractual agreement for the Council on Aging to the Commission and is asking for a consensus for the City Manager to schedule a workshop to discuss it, he is not looking at doing away with any programs for seniors but would like to enhance those programs in a cost effective manner which may include a different agency providing those services, following policy on the hotdog stand at the church at Tivoli and Providence Blvds. that was closed on a technicality needing to be fixed, finding relief for the business, and he commented on the zoning at that location.

d) Commissioner Denizac commented the City has policies and procedures and the Commission is charged with following them but there is common sense and then there is policies which may need to be tweaked for the betterment of the community. She welcomed Commissioner Bellizio.

e) Vice Mayor Herzberg commented on the Team Volusia meeting held at Teledyne Oil and Gas and what a gem it is for Volusia County. She attended a joint meeting of the VCOG and VLOC Executive Board meeting to discuss the merger and that the vote is for the merger only and not the costs. She commented the One Volusia event hosted by Representative Santiago was very good and well attended. She referred to the hotdog stand and spoke about the City's policies and that she had asked for a visioning session which would include future commercial land use.

f) Mayor Masiarczyk commented the City could change some things by allowing vendors to set up in parks, public locations, private locations, and churches could be treated differently, staff needing to look at and let the Commission know what the downside is, and it needs to be discussed so changes can be made. He suggested on proper common areas, issue licenses or permits to operate there. He referred to an email he received from Michele McFall-Conte regarding the 4th of July and the large fireworks being used before and after July 4th in the City and she suggested someone is going to get hurt or killed. He commented he was not sure what Captain Brannon could do but Mrs. McFall-Conte thinks it has to start at the State and County level. He supports the merger of VCOG and VLOC but has concerns. He welcomed Commissioner Bellizio.

The City Manager commented each of the Commissioners had been given a packet with the Interim City Manager applications.

14. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:51 p.m.

ATTEST:

John Masiarczyk Sr., Mayor

Joyce Raftery, City Clerk